

HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
P. O. Box 2910, Austin, Texas 78768-2910
(512) 463-0752

Steering Committee:
Anita Hill, Chairman
Henry Cuellar, Vice Chairman

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P.O. BOX 2910
AUSTIN, TEXAS 78768-2910

Tom Craddick
Renato Cuellar
Betty Denton

Harold Dutton
Ernestine Glossbrenner

John Hirschi
Robert Junell
Libby Linebarger

Carolyn Park
Al Price

Jim Rudd
Ashley Smith
Jack Vowell

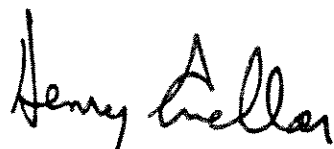
HOUSE RESEARCH ORGANIZATION

daily floor report

Friday, January 22, 1993
The House convenes at 10 a.m.

The House is expected to consider proposed changes in the House Rules and the Housekeeping Resolution distributed to the members by the Speaker's Office last Friday. The proposed changes in the Rules are summarized starting on page 1, and the proposed Housekeeping Resolution changes are summarized starting on page 16.

The Senate is scheduled to meet on Monday, January 25, at 11 a.m.



Henry Cuellar
Acting Chairman

PROPOSED HOUSE RULE CHANGES

On Friday, January 15, the Speaker's Office distributed to House members proposed House Rules for the 73rd Legislature in the form of amendments to the Rules used during the 72nd Legislature.

On January 6 the House Select Committee on Rules, appointed by then-Speaker Gib Lewis to make a comprehensive study of the Rules, had adopted a list of recommended changes. Most of the recommendations were incorporated in the proposal distributed by the Speaker's Office. The select committee's recommendations are noted by [SCR] and the recommendation number in the committee's final report [#1] in the detailed summary section starting on page 5.

Highlights

The proposed House Rules would:

- require the calendars committees (Calendars and Local and Consent Calendars) to hold open meetings and place bills or resolutions on a daily calendar by a recorded majority vote;
- require the calendars committees within 30 days after a bill or resolution is referred to the committee to vote on whether to place the bill or resolution on a calendar (with legislation not placed on the calendar still eligible to be placed on a subsequent calendar);
- allow bills and resolutions in a calendars committee for more than 30 days to be placed on a calendar by a motion from the floor, seconded by at least five members and adopted by majority vote;
- change from 24 hours to 36 hours the required "layout" period for a calendar in the members' mailboxes before a bill or resolution on the calendar may be considered on the floor;
- require that any special rule proposed by the Calendars Committee for consideration of a bill or resolution be adopted by majority vote;
- require that copies of a complete substitute amendment longer than a page be available in the Chief Clerk's Office at least 12 hours before the time for consideration of the bill or resolution to be amended;

- prohibit second or third reading consideration of non-local House bills during the final 17 days of the regular session, second or third reading consideration of local House bills during the final 10 days of the session, second or third reading consideration of Senate bills during the final five days of the session, consideration of Senate amendments during the final two days of the session and consideration of conference reports and other actions except corrections during the final day of the session;

- require that Senate amendments and conference reports be placed in the members' boxes at least 24 hours prior to consideration without exception (rather than allowing Senate amendments to be considered at any time during the final three days of a session and most conference reports to be considered with two hours prior notice during the final two days);

- require that lists of Items Eligible for Consideration, which include Senate amendments, requests for conferences and conference reports, be placed in members' boxes at least six hours prior to consideration;

- reduce the number of committees from 36 to 31;

- eliminate the speaker's authority to remove committee chairs and vice chairs;

- eliminate referral of agency budgets to the substantive committees, abolish budget and oversight subcommittees, add the Appropriations Committee to the seniority/speaker appointment process used to choose members of other non-procedural committees and require the chairs of substantive committee to appoint oversight subcommittees to review agency performance;

- prohibit committees from laying bills or resolutions on the table subject to call without a majority vote;

- provide that the House sponsor of Senate bills and resolutions be determined when they are reported from committee, with the committee chair deciding, in consultation with Senate author, if there are multiple requests;

- eliminate the committee coordinator position and make the chief clerk custodian of committee minutes and sworn statements;

- delete from the Rules most provisions regulating House employees (and include them instead in the proposed Housekeeping Resolution);

- establish a new calendar for congratulatory and memorial motions;
- exempt joint resolutions (proposed constitutional amendments) from rules limiting the scope of a bill to one subject and prohibiting amendments that would change the original purpose of a bill.

Proposed Changes in House Committees

Previous Committees (Number of members)

Agriculture & Livestock (9)
 Appropriations (23)
 Business & Commerce (9)
 Calendars (9)
 Corrections (9)
 County Affairs (11)
 Criminal Jurisprudence (9)
 Cultural & Historical Resources (9)

 Elections (9)
 Energy (9)
 Environmental Affairs (9)
 Financial Institutions (9)
 General Investigating (5)
 Government Organization (9)
 Higher Education (9)
 House Administration (9)
 Human Services (9)
 Insurance (9)

 Judicial Affairs (9)
 Judiciary (9)
 Labor & Employment Relations (9)
 Liquor Regulation (9)
 Local & Consent Calendars (9)
 Natural Resources (9)
 Public Education (9)
 Public Health (9)
 Public Safety (9)
 Redistricting (15)
 Retirement & Aging (9)
 Rules & Resolutions (9)
 Science & Technology (9)
 State Affairs (13)
 State, Federal & International Relations (9)
 Transportation (9)
 Urban Affairs (11)
 Ways & Means (13)

Proposed Committees, with same or substantially same jurisdiction (Number of members)

Agriculture & Wildlife Management (11)
 Appropriations (27)
 Business & Industry (11)
 Calendars (11)
 Corrections (11)
 County Affairs (11)
 Criminal Jurisprudence (11)

 Economic Development (11)
 Elections (11)
 Energy Resources (11)
 Environmental Regulation (11)

 General Investigating (5)

 Higher Education (11)
 House Administration (11)
 Human Services (11)
 Insurance (11)
 International & Cultural Relations (11)
 Investments & Banking (11)
 Judicial Affairs (11)

 Licensing & Administrative Procedures (11)
 Local & Consent Calendars (11)
 Natural Resources (11)
 Public Education (11)
 Public Health (11)
 Public Safety (11)
 Redistricting (11)

 Rules & Resolutions (11)

 State Affairs (15)

 Transportation (11)
 Urban Affairs (11)
 Ways & Means (11)

Proposed Committee Changes

[The Select Committee on Rules (SCR) recommended that the standing committee structure be made more efficient by reorganizing and consolidating committees (Recommendation # 2).]

Mergers

The committees on Cultural and Historical Resources and State, Federal and International Relations would be merged into a new International and Cultural Relations Committee, except agency oversight of the State Preservation Board would be shifted from Cultural and Historical Resources to House Administration.

The committees on Financial Institutions and Retirement and Aging would be merged into a new Investments and Banking Committee, with the Human Services Committee assuming jurisdiction over issues involving aging.

The committees on Labor and Employment Relations and Science and Technology would be merged into a new Economic Development Committee. The new committee also would have jurisdiction over commerce, trade and economic development transferred from Business and Commerce. Jurisdiction over access by the state to scientific and technological information would be transferred to State Affairs.

The Judiciary Committee would be abolished. The Judicial Affairs Committee already had the same jurisdiction as Judiciary. Jurisdiction over corporate, commercial and property law would be transferred to the new Business and Industry Committee. The Judicial Affairs Committee and the Redistricting Committee each would have jurisdiction over judicial redistricting.

The Government Organization Committee, which had jurisdiction over Sunset legislation, would be abolished. The committees with jurisdiction over agencies under sunset review would consider any sunset legislation affecting those agencies.

Name and jurisdiction changes

The Agriculture and Livestock Committee would be renamed the Agriculture and Wildlife Management Committee and given expanded jurisdiction. Jurisdiction over state parks and wildlife, fishing and hunting and oyster production would be transferred from Environmental Affairs, and jurisdiction over forests would be transferred from Natural Resources.

The Business and Commerce Committee would be renamed the Business and Industry Committee, and its jurisdiction over commerce, trade and economic development transferred to the new Economic Development Committee. Oversight of various professional licensing boards would be transferred to the new Licensing and Administrative Procedures Committee.

The Energy Committee would be renamed the Energy Resources Committee. The committee would have added jurisdiction over electric utility regulation as it relates to energy production and consumption, but the State Affairs Committee would retain jurisdiction over the Public Utility Commission, which is under Sunset review this session.

The Environmental Affairs Committee would be renamed the Environmental Regulation Committee. Jurisdiction over parks and wildlife, fishing, hunting and coastal fishing would be shifted to the new Agriculture and Wildlife Management Committee. The committee also would have specific jurisdiction over waste disposal, environmental matters regulated by the Texas Air Control Board, over which it also would have agency oversight, and by the General Land Office, the Texas Department of Health, the Texas Water Commission and the Texas Natural Resource Conservation Commission.

The Liquor Regulation Committee would be renamed the Licensing and Administrative Procedures Committee. Agency oversight over certain professional licensing boards would be transferred from Business and Commerce, and oversight of the Department of Licensing and Regulation would be transferred from State Affairs. Regulation of pari-mutuel racing and oversight of the Texas Racing Commission would be transferred from the Urban Affairs Committee, and the new committee would have specific jurisdiction over other gaming industries.

Other jurisdictional changes

The State Affairs Committee would gain specific jurisdiction over the conduct of state officers and employees, candidates for public office and lobbyists.

Jurisdiction over the regulation of metropolitan transit would be transferred from Transportation to Urban Affairs.

Proposed Changes in Committee Procedure

The committee chairs would be required to consult with the committee members on the work schedule and on the order of consideration and action on matters referred to the committee (page 70).

Committee staff would be required to provide to the committee members an analysis of each bill or joint resolution prior to committee consideration. (Under the previous Rules preparation of an analysis was required only when considered necessary by the chair prior to a hearing.) The chair could request the author or sponsor to provide the analysis (pages 72-73). [SCR # 10]

Notice of public hearings by committees and subcommittees would have to be posted 24 hours in advance during special sessions rather than five days in advance (page 75).

A schedule of regular committee meetings would be prepared by the House Administration Committee (rather than the committee coordinator under the committee's direction), and it could be posted at a location other than the entrance to the House (page 73). [SCR # 9]

Committee meetings would be open to other members and the press as well as to the public (page 75). [SCR # 8]

Committee reports would have to include a list of persons who testified at any hearing on the reported bill or resolution. [SCR # 12] Rather than including a section-by-section analysis or a synopsis of the legislation at the chair's option, all committee reports would include an analysis of the content of the bill or resolution. Committee reports would no longer have to state whether a bill or resolution proposed new law or amended existing law (pages 86-88).

References to the Office of Committee Coordinator would be deleted from the Rules. The chief clerk would assume the duties of maintaining duplicate originals of committee minutes, maintaining and prescribing the form for sworn statements from witnesses and posting committee meeting notices. The chief clerk would not assume the duty of verifying and endorsing that committee reports comply with House Rules, providing assistance to committees or preparing regular schedule of committee meetings (pages 18-19 and Rule 4).

Committee minutes would have to be filed with the chief clerk within three days of a committee meeting, rather than five, except the filing deadline would be one day for procedural committees (Calendars, General Investigating, House Administration, Local and Consent Calendars and Redistricting). Holidays would not count in determining the deadline only when the House was not in session on that day (page 79).

Procedural committees no longer would be authorized to meet while the House is in session without permission given by majority vote of the House (page 74). [SCR # 7]

A committee could not lay a bill or resolution on the table subject to call without a majority vote of the committee (page 76). [SCR # 11]

An agent of a committee as well as a sergeant-at-arms appointed by the committee or any peace officer could serve process issued by the committee (page 81).

The House sponsor of a Senate bill would be determined when a bill or resolution was reported from House committee. The committee chair, in consultation with the Senate author, would decide the sponsor in case of multiple requests (pages 161-162). [SCR # 21]

For legislation proposing changes in a public retirement system, the State Pension Review Board would prepare an actuarial impact statement rather than a review of an actuarial analysis and commentary on the legislation. The statement would summarize the actuarial analysis and identify and comment on the reasonableness of each actuarial assumption used in the analysis. Specific requirements concerning the content and preparation of actuarial analyses would be deleted (pages 92-96).

The provision in previous Rules for committee chairs to request a federal funds impact statement would be deleted (page 98).

[The Select Committee on Rules also recommended that committee chairs be allowed to create standing subcommittees (# 3) and that seniority be a consideration in the appointment of committee chairs (# 10).]

Powers and Duties of the Speaker

Committee chairs and vice chairs no longer would serve at the pleasure of the speaker (page 7). [SCR # 4]

The speaker could refer proposed legislation to a select committee. Select committees would be created by a proclamation issued by the speaker and filed with the chief clerk that stated the committee's authority and duties (pages 2, 8).

Interim committee study charges made by the speaker would be filed with the chief clerk (page 8).

The speaker could not refer a bill or resolution simultaneously to more than one committee (page 2). [SCR # 6]

Rule provisions concerning the speaker's relationship to House officers and employees would be deleted (and mostly would be shifted to the proposed Housekeeping Resolution).

The budget and oversight subcommittees, which had been appointed by the speaker, would be abolished. The Appropriations Committee, which had been composed of the speaker-appointed B&O chairs, would instead be appointed like other substantive (nonprocedural) committees, with up to one-half of the members, excluding the chair and vice chair, determined by seniority selection (page 70).

The speaker could not appoint the chair of the Ways and Means Committee to serve on another substantive committee (page 71).

Calendars Committees

The proposed Rules would make the Calendars Committee and the Local and Consent Calendars Committee subject to all House rules and to specific rules governing actions taken by other committees. [SCR # 13-16] Among the requirements that would be applied specifically to the calendars committees would be advance notice of meetings, meetings open to the public, press and other members and actions taken only by recorded majority vote with a quorum present. No calendar could be considered if it was determined that a calendars committee had not complied with House Rules.

The Calendars Committee would be authorized to place on the daily calendar a bill or resolution reported from committee with no recommendation (page 140).

Assignment and placement

Under the Rules for the 72nd Legislature a distinction was made between "assigning" a bill or resolution to a calendar and "placing" a bill or resolution on a calendar for floor consideration. "Assigning" a bill or resolution to one of the eight calendars (Emergency, Major State, Constitutional Amendments, General State, Local, Consent, Resolutions, Congratulatory and Memorial Resolutions) was not the same as "placing" a bill or resolution on a calendar for consideration on the floor. Once a bill or resolution was "placed" on a calendar for floor consideration, its assignment to a calendar determined in what order it would be considered. By a motion offered on the floor members could require by majority vote that a calendars committee assign a bill or resolution to a particular calendar or reassign it to another calendar, but there was no method of forcing a calendars committee to "place" a bill or resolution on a calendar for floor consideration.

The proposed Rules would eliminate the distinction between assignment and placement. Bills and resolutions would be assigned to a calendar when they were placed on a calendar for floor consideration. Also, the calendars committees would be required to strictly construe the system of calendars, and the speaker would be required to strictly enforce it (page 132).

Immediate referral

Once a bill or resolution is reported from committee, it would be referred immediately to the chief clerk for printing (as before). A calendars committee would be required to accept immediately a certified copy of a committee report delivered by the chief clerk (pages 99, 140). [SCR # 18]

Voting deadline

A calendars committee would have to vote on whether to place a bill or resolution on a calendar within 30 calendar days after receiving the bill or resolution. A committee vote against placing the bill or resolution on a calendar would not preclude the committee from subsequently voting to place it on a calendar (as under previous Rules).

When a bill or resolution had been in a calendars committee for 30 days, not counting the day when it was referred, a member could offer a motion on the floor that the bill or resolution be placed on a calendar for floor consideration without action by the committee. The motion would have to be seconded by at least five

members and adopted by majority vote (page 141). The motion would be debatable, with one mover and one opponent each given three minutes to debate only the motion, not the merits of the bill or resolution (pages 145-146).

Rules for floor consideration

Under previous Rules the Calendars Committee could propose a rule for consideration of a bill placed on the daily calendar. For example, in recent years a rule accompanying the General Appropriations bill required that any amendment that would increase an item of appropriation also had to propose a corresponding decrease. The proposed Rules would allow the Calendars Committee to propose a rule to the House for adoption by majority vote, rather than allow the committee to adopt the rule. The proposed rule would have to be distributed to the members and could be considered at any time prior to consideration of the affected bill or resolution. The proposed rule could not be amended and if adopted would be effective for both second and third readings (page 139).

Notice prior to floor consideration

A printed copy of a bill or resolution and a printed copy of the calendar would have to be in the mailbox of each member at least 36 hours in advance of second-reading consideration during a regular session and at least 24 hours in advance during a special session. (Under previous Rules, the time limit was 24 hours for both regular and special sessions.) Bills on the Emergency Calendar, such as tax bills, would have to be provided at least 36 hours in advance, rather than 48 hours in advance, as under previous Rules. (The General Appropriations bill would still have to be provided 168 hours in advance during regular sessions and 72 hours in advance during special sessions.) (pages 137, 168). The time when a calendar was placed in the members' boxes would be stamped on the original copy of the calendar (page 139). [SCR # 22]

As under previous Rules, a supplemental calendar would be printed and distributed at least two hours before the House convened. It would include leftover matters — bills and resolutions on third reading, bills and resolutions left over from previous calendars, postponed business and notices to consider bills and resolutions previously laid on the table. The proposed Rules would allow new bills and resolutions on a daily House calendar and eligible for consideration to be incorporated into the supplemental calendar in their proper order (page 138). This would allow all bills and resolutions pending before the House, both new and leftover, to be included on one list.

Time Limit on Items Eligible for Consideration

As under previous Rules, when requested by the speaker the chief clerk would compile a list of Items Eligible for Consideration, including Senate amendments, Senate requests for a conference committee and conference reports. The proposed Rules also would require that a copy of the list be in the members' boxes at least six hours before items on the list could be considered by the House. The time when the list was placed in the boxes would be stamped on the original copy of the list (pages 138-139).

Floor Amendments

A member could not be recognized to offer an original amendment that was a complete substitute exceeding one page in length, or that in the speaker's opinion was a substantial substitute, unless 25 copies of the amendment were provided to the chief clerk and available in the Chief Clerk's Office for at least 12 hours before the time the bill or resolution to be amended was eligible to be considered on the floor (page 188). [SCR # 23]. [The Select Committee on Rules also recommended that proposed floor amendments be delivered to the author of a bill prior to consideration of the bill (# 23).]

Amendments would have to be legible in order to be offered but could be typed, hand-printed or handwritten (page 188).

End-of-Session Deadlines

Under previous Rules Senate amendments had to be provided to the members at least 24 hours prior to consideration, except in the final 72 hours of a session. The proposed Rules would require Senate amendments to be provided at least 24 hours in advance without exception, for both regular and special sessions (page 198).

Under previous Rules conference committee reports on general appropriations bills, tax bills, reapportionment bills and recodification bill had to be provided to members at least 48 hours prior to consideration, 24 hours in advance during special sessions. Conference reports on all other bills had to be provided at least 24 hours in advance, except that during the final 48 hours of a session conference reports could be provided two hours in advance. The proposed Rules would require *all* conference reports to be provided 24 hours prior to consideration, for both regular and special sessions, with no exception for the final 48 hours (pages 204-205).

The proposed Rules would add new deadlines for considering bills and resolutions (pages 166-167):

- After the 123rd day of a regular session (Friday, May 14 for the current session) no House bill or joint resolution could be considered on second or third reading unless it was a local bill;
- After the 130th day (Friday, May 21) no House bill, local or nonlocal, could be considered on second or third reading.
- After the 135th day (Wednesday, May 26), no Senate or House bill or joint resolution could be considered on second or third reading;
- On the 136th (Thursday, May 27) and 137th (Friday, May 28) days, the House could only act on Senate amendments, adopt conference reports, reconsider bills or resolutions to remove House amendments or to make corrections or vote to override vetoes;
- On the 138th (Saturday, May 29) and 139th (Sunday, May 30) days, the House could only adopt conference reports, reconsider bills or resolutions to remove House amendments or make corrections or vote to override vetoes;
- On the 140th and final day (Monday, May 31), the House could only reconsider bills or resolutions to make corrections or adopt corrective resolutions.

In summary, no non-local House bills or joint resolutions could be considered on second or third reading during the final 17 days, no local House bill could be considered on second or third reading during the final 10 days, no Senate bill or joint resolution could be considered during the final five days, no Senate amendments could be considered during the final three days, and no conference reports, motions to reconsider to remove House amendments or motions to override vetoes could be considered on the final day.

With no end-of-session exceptions to the 24-hour layout requirement, Senate amendments would have to be provided to the members no later than the end of the 136th day (Thursday, May 27) and conference reports would have to be provided no later than the end of the 138th day (Saturday, May 29) in order to be considered, assuming no suspension of the Rules. Also affecting these deadlines would be the requirement that the list of Items Eligible for Consideration, which includes Senate amendments and conference reports, would have to be provided at least six hours before those items could be considered.

Under previous Rules, no House or Senate bill could be considered on second reading during the final 72 hours of a session. No bill could be considered out of its regular order during the final 48 hours, and only conference reports and Senate amendments could be considered during the final 24 hours.

Appropriations

Under previous Rules the speaker appointed subcommittees on budget and oversight for most of the substantive committees. The Appropriations Committee comprised the chairs of the B&O subcommittee, plus a chair and vice chair, all appointed by the speaker. The Appropriations Committee assigned to the substantive committees those portions of the General Appropriations bill affecting the agencies under each committee's jurisdiction. The B&O subcommittee chairs (or the full committee chairs for those committees without B&O subcommittees) were responsible for developing budget recommendations for the various agencies under their jurisdiction and were required to hold hearings and make recommendations to the Appropriations Committee on a set schedule. The Appropriations Committee could by majority vote decrease or delete a budget item recommended by a committee or by a two-thirds vote add or increase a budget item over the recommended level.

The proposed Rules would eliminate budget recommendations by the committees. No budget and oversight subcommittees would be appointed by the speaker. Half of the members of the Appropriation Committee would be determined by seniority selection and half by speaker appointment, the same as for any other non-procedural committee. The chairs of committees with jurisdiction over agencies would appoint oversight subcommittees to monitor the performance of those agencies. (pages 8, 70, 101, 171-177).

Joint Resolutions

Under previous Rules all rules applying to bills also affect joint resolutions. Under the proposed Rules, joint resolutions would not be subject to Rule 8, sec. 3 of the proposed Rules, which limits bills to one subject, and Rule 11, sec. 3, which bars amending a bill to change its original purpose. These rules restate constitutional restrictions that apply only to bills (page 181).

Resolutions to Suspend Conference Limits

Resolutions to suspend limitations on conference committees adding provisions not found in the House or Senate version of a bill or resolution or omitting provisions found in both versions would not have to be referred to a committee. Introduction of the resolution would be announced on the House floor, and it would be eligible for

consideration one hour after a copy of the resolution had been distributed to the members. The time of distribution would be stamped on the original copy of the resolution (pages 203-204). Concurrent resolutions authorizing conference committees to include or omit matters otherwise prevented by the Rules need not be printed separately (page 195).

Suspending the Three-Day Reading Rule

The Constitution requires that bills be read on three separate days, but this requirement may be suspended by a vote of four-fifths of the members voting in cases of "imperative public necessity" stated in the bill. The proposed Rules would eliminate a definition of "imperative public necessary" found in the previous Rules. Under the definition, the three-day rule could be suspended only for conditions requiring an immediate remedy or that otherwise would result in great loss of life or property (page 169).

Congratulatory and Memorial Resolutions and Motions

In addition to congratulatory and memorial resolutions, provided for under previous Rules, the proposed Rules would allow motions to congratulate and memorialize. The motions would be filed with the chief clerk and given a number, then sent to the Rules and Resolutions Committee. The committee would screen the motions and place them on a new Motions Calendar. After adoption, the motions would be signed by the speaker and the chief clerk and affixed with the House seal (pages 131-132, 184-185).

The calendars for congratulatory and memorial resolutions and motions each could include separate categories for congratulatory resolutions and motions and for memorial resolutions and motions (pages 131-132).

Employees

The proposed Rules would delete most provisions in the previous Rules concerning employees of the House, members and committees; those provisions, as revised, would instead be included in the Housekeeping Resolution.

The chief clerk, in addition to assuming most of the duties of the committee coordinator, would be required to provide all House calendars and lists and the time-stamp information on official printings of bills and resolutions to the Legislative Information System (LIS). The information would have to be provided at the same time that it was placed in the members' boxes (page 13).